June 26, 2015

Ms. Julie Saare-Edmonds (julie.saare-edmonds@water.ca.gov)
California Department of Water Resources
Urban Water Use Efficiency Unit
P.O. Box 942836 Sacramento, CA 95814

RE: Update of the State Model Water Efficient Landscape Ordinance

Dear Ms. Saare-Edmonds,

Surfrider Foundation and its 20 chapters **strongly support** the recommended updates to the State Model Water Efficient Landscape Ordinance (MWELO). We are please to see strong language about on-site rainwater capture and improving soil health components as well as lowering the size threshold trigger, reducing the water budget and expanding the use of dedicated landscape meters. The recommendations move the state towards requiring the essential, holistic principles of the watershed approach – which is also the foundation of Surfrider's Ocean Friendly Gardens (OFG) approach. The move towards the watershed approach also allows DWR to better collaborate with agencies that regulate water quality, greenhouse gasses, flood control, green waste, and more.

There are two areas in which it could be further strengthened: size threshold for rehabilitated landscapes and on-site rainwater capture.

Size Threshold for Rehabilitated Landscapes

The 2,500 sq. ft. threshold for rehabilitated landscapes will miss a significant chunk of landscapes in California, especially along the coast. Outside of planned communities such as Irvine, landscapes are below or well below 2,500 sq. ft. A typical front yard in coastal communities is 500 sq. ft.

The proposed language in MWELO is similar to the recommendations in the Ocean Friendly Gardens Program, and what we see as supporting a landscape to successfully achieve multiple benefits. We recommend reducing the threshold to 500 sq. ft.

There may be a perception that cost will be prohibitive. But MWELO's requirements are a wise investment in landscape rehabilitation, and they will pay dividends:

- Doing a (biological) soil test
- Calculating ETWU and MAWA, and hydrozoning
- Soil management report
- Landscape design plan
- Irrigation design plan (some may end out hand watering, essentially creating rain gardens)
- Grading design plan
- Water (flow) meter

Water agencies face fines of $10,000 for non-compliance with the Executive Order, and face even larger fines for non-compliance with stormwater permits (and cities and regions considering stormwater fees). Just as water agencies are providing marketplace-shifting incentives to replace turf grass, they could provide incentives for soil tests and water budgeting. Those incentives ought to be provided to those who demonstrate economic need.

On-site Rainwater Capture

Now, more than ever, we need to use rainwater as a means of irrigation, nurturing soil health, groundwater recharge, and supporting stream flows. **One change to the recommendations we want is the on-site rainwater capture language strengthened** (§ 492.165 Stormwater Management and Rainwater Retention). We were pleased with the suggested language from the Independent Technical Panel, except for "is strongly recommended" on the volumetric retention components (the last bullet):

- All drainage from roof surfaces shall be directed to vegetated areas, mulched areas, infiltration areas, water features, rain barrels, or cisterns.
- Rain barrels, cisterns, and water features shall overflow to vegetated areas, mulched areas, or infiltration areas
- Retention and infiltration capacity is strongly recommended to be provided sufficient to prevent runoff from roof surfaces and the landscape area from either the one inch, 24-hour rain event or the 85th percentile, 24-hour rain event, and such additional capacity, if any, as may be required by any applicable local or regional regulation.

For section (d), "It is recommended that project also incorporate any of the following elements to improve on-site stormwater retention," we want you to replace "is recommended" with "shall."

Also:

- Grade impervious surfaces, such as driveways, during construction to drain to vegetated areas.
- Minimize the area of impervious surfaces such as paved areas, roof and concrete driveways.
- Incorporate pervious or porous surfaces (e.g., permeable pavers or blocks, pervious or porous concrete, etc.) that minimize runoff.
- Direct runoff from paved surfaces and roof areas into planting beds or landscaped areas to maximize site water retention.
- Incorporate rain gardens, cisterns, and other rain harvesting or catchment.
- Incorporate infiltration beds, swales, basins and drywells to retain stormwater and increase percolation into the soil.
- Consider constructed wetlands and retention ponds that retain water, handle excess flow, and filter pollutants.

For section (e), "It is strongly recommended that retention and infiltration capacity sufficient to prevent runoff from roof surfaces and the landscape area from either the one inch, 24-hour rain event or the 85th percentile, 24-hour rain event, and such additional capacity, if any, as may be required by any applicable local or regional regulation, be provided." We want you to replace "is strongly recommended" with "shall."

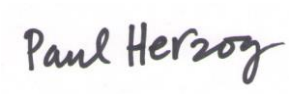
Cities around the country, with the exception of California, fund rebate programs to install **rain gardens** (the City of Santa Monica is close to being the first). Rain gardens are a way to comply with more recent **regional stormwater permits** in San Diego County, Los Angeles/Ventura County and San Francisco County. The State Water Resources Control Board is in the midst of developing it's Storm Water Strategic Initiative, which sees on-site rainwater capture as water use efficiency. Municipal **low impact development ordinances** require infiltration or the like, with the trigger being the addition of new impervious surfaces. The City of Los Angeles' LID Ordinance also provides alternative treatment options if the site presents challenges. **They have in common the capture of the 85th percentile storm event.** A city like San MWD staff has been directed to develop "watershed approach" standards for their turf rebate program. And there is a motion to be introduced this week in the City of LA to do the same. Antonio, TX has a "landscape concierge" program that provides guidance to move people off of supplemental irrigation.

The watershed approach is broadly applicable and adaptable to site circumstances. Requiring the on-site rainwater capture elements would harmonize it with water quality regulations, and encourage consistency in regulations. Requiring the volumetric objective would help stormwater agencies meet their regional permit requirements. The public and the private sector would see every landscape as a stormwater BMP

solution. When water can be infiltrated, it would have the additional benefits of groundwater recharge and helpful insure in-stream flows as well as reducing the potential of flooding and its harmful effects.

Non-profit organizations like Surfrider are your partners in this effort, and we will continue to help educate, train and support the public, private sector, and businesses to implement the watershed approach.

Sincerely,



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Surfrider Foundation